

## Workplace Harassment

### CBT Chapters

- Workplace Harassment
- Inappropriate Workplace Behavior
- Preventing Inappropriate Behavior
- Reporting Incidents
- Final Exam

Workplace harassment is any unwelcome or unwanted conduct that denigrates or shows hostility or an aversion toward another person. A conduct is unwelcome if the employee did not solicit, instigate or provoke it, and the employee regarded the conduct as undesirable or offensive. The more familiar term of "sexual harassment" is a type of workplace harassment. The following section further describes workplace harassment and sexual harassment.



## Workplace Harassment (continued)

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Workplace harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964. Workplace harassment constitutes unwelcome verbal or physical conduct based on

- Race
- Color
- Religion
- Sex (whether or not of a sexual nature and including same-gender harassment and gender identity harassment)
- National origin
- Age (40 and over)
- Disability (mental or physical)
- Sexual orientation
- Retaliation



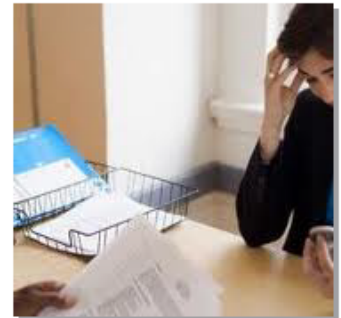
## Workplace Harassment (continued)

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Unwelcome verbal or physical conduct is considered workplace harassment when

- A supervisor's harassing conduct results in a tangible change in an employee's employment status or benefits (for example, demotion, termination, failure to promote, etc.)
- The conduct by a supervisor or co-worker is sufficiently severe or pervasive to create a hostile work environment



## Workplace Harassment (continued)

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Workplace harassment can happen to anyone. Workplace harassment can occur in a variety of circumstances:

- Peer to peer
- Subordinate harassed by a supervisor
- Women harassed by men
- Men harassed by women
- Same sex harassment
- Third-party harassment (customers, vendors, suppliers)



## Sexual Harassment

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One form of Workplace Harassment is Sexual Harassment. In 1980, the Equal Employment Opportunity Commission (EEOC) issued what are called Guidelines on Sexual Harassment in the Workplace. These guidelines describe sexual harassment as

- Unwelcome sexual advances
- Requests for sexual favors
- Other verbal or physical conduct of a sexual nature



When one of the following occurs

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

## Sexual Harassment (continued)

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There are two types of sexual harassment. One type is "quid pro quo" harassment. Quid pro quo is a Latin phrase that means "this for that." The second type of harassment is hostile work environment. The following section describes these two types of sexual harassment.





## Sexual Harassment (continued)

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Quid pro quo sexual harassment is identified by the following characteristics:

- A supervisor or manager requests (or demands) sexual favors in exchange for some employment benefit. The employment benefit could be keeping the job the person already holds, a future promotion, a pay increase, a satisfactory job performance evaluation, or any other employment benefit.
- It can be intentional or unintentional.
- It can be direct or indirect.



## Sexual Harassment (continued)

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The second type of sexual harassment is hostile work environment. Sexual harassment based on a hostile work environment is one in which severe and pervasive unwelcome sexual conduct interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment.

This behavior can be on the part of an employee or supervisor. Occurring once, these behaviors may not rise to sexual harassment. However, occurring repeatedly, they may pose the threat of creating a hostile work environment.



## Regardless of Intent

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While employees may perceive a behavior as friendly and harmless, a co-worker may find the behavior to be inappropriate or offensive. It's important to understand that an employee's intention is not relevant in determining whether or not a behavior is inappropriate. Regardless of intent, behavior will be judged on its impact to the employee and the work environment.

The statement, "I didn't mean anything by it" is not a valid defense of inappropriate or harassing behavior.



## Knowledge Check

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### Consider the following:

Elisa is an attractive female who often wears form fitting clothing. On several occasions over the past few months, a co-worker named Mark has visited Elisa's work area, and has (in Elisa's words) "leered" at her and continually comments on her physical attributes. Elisa has told Mark that she finds his comments both inappropriate and offensive. Elisa has also told Mark not to make these comments to her and to "keep his wandering eyes off of me." Mark invited Elisa out on a date, suggesting that sexual activity would follow. Elisa notified her supervisor and lodged a formal complaint. When confronted by Elisa's supervisor, Mark shouted, "What's the big deal? I only asked her out on a date."

## Knowledge Check

|   |                            |
|---|----------------------------|
| What is the nature of the inappropriate behavior?   | <a href="#">See Answer</a> |
| At what point should Elisa have gone to her immediate supervisor?                                 | <a href="#">See Answer</a> |
| If you were Elisa's supervisor, how would you handle the current situation, when she came to you? | <a href="#">See Answer</a> |

## Chapter Summary: Workplace Harassment

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This completes the Workplace Harassment chapter. The next chapter discusses inappropriate workplace behaviors.

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## Inappropriate Workplace Behavior

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Inappropriate workplace behaviors are those behaviors that are unwelcome and undesired on the part of the recipient of the behavior. One occurrence of inappropriate behavior may potentially not rise to the level of harassment. However, inappropriate behavior has no place in the workplace.

The next section describes behaviors that are always inappropriate in the workplace.



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## Verbal Comments

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Inappropriate verbal comments include

- Derogatory or demeaning comments based on gender, sex, stereotypes, race, or religion
- Crude and offensive language, name calling, or racial or ethnic slurs
- Comments about clothing, personal behavior, or a person's body
- Requests for sexual favors
- Repeated requests for dates
- Terms of endearment, such as "honey," "dear," "sweetheart," "babe"
- Sexual innuendoes, stories, or tales of sexual exploits
- Grunts, whistles, or catcalls



## Non-verbal Gestures

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Inappropriate non-verbal gestures include

- Leering
- Inappropriate hand gestures
- Giving a person "the eye" or "once over"
- Blowing kisses
- Licking lips
- Winking in a suggestive manner
- Touching or groping yourself in an apparent display of sexual innuendo



## Physical Contact

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Inappropriate physical contact includes

- Touching including patting, hugging, pinching, grabbing, etc.
- Cornering or blocking a doorway
- Unsolicited back rubs or clothing adjustments
- Assault



## Visual Materials

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Inappropriate visual materials include

- Sexually oriented pictures, faxes, and screen savers
- Cartoons, drawings, or caricatures of a racial, ethnic, or sexual nature
- Displaying sexual objects in the workplace
- Inappropriate electronic messages, phone texts, or e-mail





## Hazing

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Examples of hazing include

- Discussing or spreading untrue, malicious gossip or rumors about a person's personal life or sexual activities
- Teasing or jokes of a racial, ethnic, or sexual nature
- Ostracizing



## Knowledge Check

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Consider the following:

Mike and Sean work in adjacent cubicles and have been friends for about a year. Pamela, who sits next to Mike, has heard Mike and Sean frequently discussing derogatory stories and jokes about the department's administrative assistant, Paul, and his religious practices. Pamela doesn't think it too bad as long as they keep it to themselves. After a few months, however, Pamela notices that a few other co-workers have joined in the gossip and she suspects that Paul is now aware of the unpleasant conversations.

Knowledge  
  
Check

|   |                            |
|---|----------------------------|
| How would you respond to this situation if you were Paul? | <a href="#">See Answer</a> |
| What advice would you give Pamela?                        | <a href="#">See Answer</a> |
| Is this an example of harassment?                         | <a href="#">See Answer</a> |

## Chapter Summary: Inappropriate Workplace Behaviors

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This completes the Inappropriate Workplace Behaviors chapter. The next chapter discusses strategies for preventing inappropriate behaviors.

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## Preventing Inappropriate Behavior

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Employers, supervisors, and employees all play a role in preventing inappropriate behavior. In its guidelines, the EEOC states that the best way for an employer to deal with harassment is to take all necessary steps to prevent it, including, but not limited to

- Establishing a policy and posting it
- Establishing a complaint procedure
- Training employees on the topic and the policy
- Investigating all complaints promptly, advising those involved that threatening to retaliate against employees if they complain or participate in an investigation is illegal and will not be tolerated
- Keeping confidentiality protected to the extent possible
- Disciplining employees for violations, up to and including dismissal



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## Supervisor Responsibilities

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Supervisors also have responsibility for preventing inappropriate behavior in the workplace. It is incumbent upon all supervisors to

- Model harassment free behavior in the workplace
- Exercise authority to ensure that the workplace is free of harassment
- Take every complaint of inappropriate behavior or sexual harassment seriously
- Respond promptly to employees requesting assistance
- Never make a tangible employment action based on anything related to sex
- Immediately report any complaint of harassment to the Human Resources office
- Advise employees that, to the extent possible, confidentiality will be protected



Note: Supervisors must understand they have a responsibility to investigate or report all complaints about inappropriate behavior or sexual harassment even if the employee asks that nothing be done.

## Note About Confidentiality

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Confidentiality will be protected to the extent possible. If an employee reports an incident of workplace harassment or inappropriate behavior, the employee should be advised that an investigation will be conducted including interviewing those involved. Some people may "need to know" and will be asked to keep matters confidential to the extent possible. If the issue later becomes a lawsuit, any request for confidentiality may not be able to be honored.





## Employee Responsibilities

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Employees should receive training on their employer's harassment policy and the employee's responsibilities in preventing harassment. Employees have the responsibility to

- Value their co-workers' time as equally important to their own
- Recognize that co-workers have "personal space" boundaries that should not be violated
- Develop professional relationships based upon mutual respect and mutual trust
- Behave professionally at all times. Make sure they
  - Do not participate in inappropriate conversations
  - Do not comment on others' appearance
  - Do not participate in telling or forwarding inappropriate jokes
  - Avoid compromising situations



## Addressing Inappropriate Behavior

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If an employee is subjected to inappropriate behavior and feels comfortable confronting the behavior, he or she should firmly, clearly, and directly tell the person engaging in inappropriate behavior to stop. The other person may not have recognized his/her behavior was inappropriate and will appreciate being told.

It is not required that the employee confront the harasser. If an employee feels uncomfortable doing so or if the behavior doesn't stop after being addressed, the employee should follow the agency's complaint reporting procedures, or discuss with his/her supervisor or Human Resources office.



## Knowledge Check

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#### Consider the following:

Adam recently reported a situation of workplace harassment to his Human Resources office. In turn, they opened an investigation and found that harassment was indeed occurring. At some point during the investigation two of his co-workers accused in the complaint, Steve and Joyce, found out Adam was responsible for initiating the investigation. Steve tells Adam that he has had enough and he's going to tell Adam's supervisor about his poor job performance. Steve is good friends with Adam's supervisor and Adam is afraid this threat will be carried out.

## Knowledge Check

|   |                            |
|---|----------------------------|
| What should Adam do?                          | <a href="#">See Answer</a> |
| What advice would you give Adam's supervisor? | <a href="#">See Answer</a> |
| Is this retaliation?                          | <a href="#">See Answer</a> |

## Chapter Summary: Preventing Inappropriate Behavior

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This completes the Preventing Inappropriate Behavior chapter. The next chapter discusses how to report workplace harassment.

Click the next arrow to continue the course.

## Chapter Complete

## Reporting Incidents

### CBT Chapters

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The State is committed to protecting its employees from workplace harassment. Harassment in any form is prohibited and will result in disciplinary action up to and including dismissal. If an employee believes he/she has been the victim of harassment, or is aware or concerned that someone else has been, the situation must be reported immediately to the employee's supervisor. If the employee feels uncomfortable discussing the situation with his/her supervisor, the employee should then contact the agency Human Resources office or other appropriate office as outlined in the agency's harassment policy.

If an employee believes he/she is being retaliated against in any way for complaining of harassment, the employee should report such incidents in accordance with the agency's harassment policy.



## Outside Your Agency

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If an agency does not have a reporting procedure, employees may contact the ADOA Human Resources office at (602) 542-5482 or (602) 542-7290. Listed on the remaining screens are offices, locations, and phone numbers employees may use to immediately report any incident of workplace harassment.

Arizona Department  
of Administration



## Additional Resources

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Employees can get further information about workplace harassment by contacting the following offices.

#### **Governor's Office of Equal Opportunity**

State Capitol Building - Executive Tower  
1700 W. Washington Suite 156  
Phoenix, AZ 85007  
Telephone: (602) 542-3711  
Toll Free: 1-866-849-4822

#### **Equal Employment Opportunity Commission (EEOC)**

Phoenix District Office  
3300 N. Central Avenue  
Phoenix, AZ 85012-2504  
Phone: 1-800-669-4000  
TTY: 1-800-669-6820  
FAX: (602) 640-5071



## Chapter Summary: Reporting Incidents

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This completes the Reporting Incidents chapter. The next section is the final exam.

**Click the next arrow to continue the course.**

**Chapter**  
  
**Complete**